

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:12cv103-RLV
(5:09cr49-RLV-DCK-5)

DONALD BROOKS BRYSON,)
Petitioner,)
vs.)
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

This matter is before the Court on Petitioner's Notice of Voluntary Dismissal of his 28 U.S.C. § 2255 Motion to Vacate, filed as a letter from Petitioner to the Court dated October 12, 2012. See (Doc. No. 8). In the Letter, Petitioner states that he never intended to file a Motion to Vacate, but that he had intended, instead, to file a motion to reduce sentence under 18 U.S.C. § 3621(e), based on the fact that he has completed a substance abuse treatment program while in prison.

Pursuant to Petitioner's Notice, **IT IS THEREFORE ORDERED** that Petitioner's 2255 Motion is **DISMISSED** without prejudice. Consequently, Respondent's Motion to Dismiss, (Doc. No. 6), is **DENIED** as moot.

The Clerk of Court is instructed to close the case. Furthermore, the Clerk is directed to docket the previously filed motion, (Doc. No. 1), as a Motion to Reduce Sentence pursuant to 18 U.S.C. § 3621(e), in Petitioner's criminal case, 5:09-cr-49.

Signed: October 15, 2012



Richard L. Voorhees
United States District Judge

